

### EXAMINER'S AMENDMENT

This Examiner's Amendment and Examiner's Reasons for Allowance action is in response to the filing of 02/18/2010.

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anne Kinsman on 06/04/2010.

- The application has been amended as follows:

Claims 1-36 (Canceled).

Claim 37 (Currently Amended) A method of biometric verification using an access software application configured to access another application, system or other software entity to protect biometric data against spoofing or theft, the method comprising the steps:

- (a) establishing parameters of the access software application;
- (b) generating a biometric template for a user by sampling;
- (c) integrating into the access software application, by means of partial evaluation, the parameters and the biometric template;

- (d) performing tamper-resistant software (TRS) encoding to the access software application including storing the biometric data in an encoded format that is irreversible, the step of performing TRS encoding being performed according to one of the following:
- (i) prior to the establishing of parameters, whereby one TRS implementation covers multiple platforms and multiple biometric templates;
  - (ii) after the establishing of parameters and before generating the biometric template, whereby one TRS implementation covers one platform only and multiple biometric templates; and
  - (iii) after the establishing of parameters and after generating the biometric template, whereby one TRS implementation covers one platform only and one biometric template only; and
- (e) employing the biometric template which has been integrated into the access software application to evaluate biometric data provided by a user seeking to access the other application, system or software entity to provide an evaluation result which either permits or denies access by the user wherein the TRS encoding comprises mass data encoding for data in array, table or message buffer form; and  
wherein the evaluation result comprises branching to a distinct location of the access software application if the user-provided biometric data is found to match the biometric template.

*Allowance*

2. Claims 1-36 have been cancelled.
3. Claims 37-41 have been amended with written arguments which overcome the examiner's prior rejections and objections, see paper of 08/19/2009. Examiner withdraws all outstanding rejections and objections to Claims 37-41.
4. Claims 37-41 are allowed.

*Examiner's Statement of Reasons for Allowance*

5. Prior art was found which disclosed biometric authentication system with encrypted models [e.g. Gennaro et al. (US-6317834-B1)] and client/server protocol for proving authenticity [e.g. Kaliski, Jr. (US-6085320-A)] and obfuscation techniques for enhancing software security [e.g. Collberg et al. (US-6668325-B1)] and access system utilizing multiple factor identification and authentication [e.g. Scheidt et al. (WO-2003065169/US-20050235148-A1/US-7178025-B2)] and biometrics template [e.g. Forrest (US-20030088782-A1/US-7302583-B2)] and method and apparatus for hashing data [e.g. Hamid (US-20030223624-A1/US-7274804-B2)] and system and method of biometric smart card user authentication [e.g. Shinn (US-6655585-B2)].
6. The following is an examiner's statement of reasons for allowance:
  - The prior art of record does not teach or render obvious the limitations as recited in independent Claim 37, specific to the combination of "performing tamper-resistant software (TRS) encoding to the access software application including storing the biometric data in an encoded format that is irreversible" and "the TRS encoding comprises mass data encoding for data in array, table or message buffer form" and "the

evaluation result comprises branching to a distinct location of the access software application if the user-provided biometric data is found to match the biometric template”.

- Dependent claims are allowed as they depend from an allowable independent claim.
- Therefore, the Examiner considers both the above limitations combination with the remaining limitations as found in the independent claim, as applied to securing biometric verification, as the non-obvious novelties of the invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance”.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Oscar Louie whose telephone number is 571-270-1684. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM. The examiner can also be contacted via E-mail to schedule a telephone discussion at OSCAR.LOUIE@USPTO.GOV.

If attempts to reach the examiner by telephone or E-mail are unsuccessful, the examiner’s supervisor, Nasser Moazzami, can be reached at 571-272-4195. The fax phone number for Formal or Official faxes to Technology Center 2400 is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is only available through Private PAIR. If you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100 (local). For more information on the PAIR system or the EBC please visit <http://www.uspto.gov/patents/ebc/index.jsp>. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 (local).

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06/04/2010

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